

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff

v.

Case No. 97-CR-80625-DT  
Hon. Gerald E. Rosen

THELTON STUCKEY, III,  
Defendant

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**MOTION TO UNSEAL DISCOVERY AND GRAND JURY TRANSCRIPTS**  
**AND/OR TO LIFT PROTECTIVE ORDER**  
**TO ENABLE REVIEW OF DISCOVERY AND GRAND JURY TRANSCRIPTS**  
**BY APPELLATE COUNSEL FOR**  
**DEFENDANT/APPELLANT THELTON STUCKEY III**

NOW COMES Defendant/Appellant THELTON STUCKEY III, by and through counsel DAVID S. STEINGOLD and TRACIE DOMINIQUE PALMER, and for his Motion states the following:

1. As reflected throughout the trial transcripts in this case, and through discussion with trial defense counsel, this Court issued a Protective Order and also sealed portions of the record both prior to and during the course of this trial.
2. Defendant/Appellant's appeal is pending in the Sixth Circuit Court of Appeals, Docket no. 05-1039.

3. On or about January 4, 2006, the Court of Appeals Ordered that the briefing schedule be held in abeyance while new lead appellate counsel, the undersigned, obtained and reviewed the trial transcripts and prepared the brief on appeal. (Exhibit A).

4. New lead counsel Palmer has discussed with trial counsel Mr. Anthony Chambers about reviewing his trial file in preparation for drafting this brief on appeal. Mr. Chambers expressed concern because of this Court's prior protective Order regarding the discovery documents and Grand Jury transcripts turned over to defense counsel during the course of this trial.

5. Current appellate counsel for Defendant/Appellant Mr. Stuckey needs to review the discovery and Grand Jury testimony to adequately represent Mr. Stuckey on appeal.

6. Current appellate counsel is requesting that this Court issue an Order permitting attorneys David S. Steingold and Tracie Dominique Palmer to review trial defense counsel Mr. Anthony Chambers' and Mr. Jeffrey Taylor's trial files while preparing this appeal.

7. Current appellate counsel is further requesting that this Court issue an Order allowing said counsel to make photocopies of any Exhibits and other discovery documents they feel are relevant to the issues to be raised on appeal in this case.

#### **BRIEF IN SUPPORT OF MOTION**

Defendant/Appellant Thelmon Stuckey III is currently represented on appeal by new lead counsel David S. Steingold and new co-counsel Tracie Dominique Palmer. Current appellate counsel need to review the trial files of trial defense counsel Mr. Anthony Chambers and Mr. Jeffery Taylor to properly prepare the appeal in this case.

Due to this Court's protective Order and several instances of sealing the record in this case, however, trial defense counsel and current appellate counsel seek guidance from this Court, and express permission, for appellate counsel to review the trial file without restriction.

Appellate counsel is aware of the expressed security concerns of the Government raised prior to and during trial in this matter. Appellate counsel is also aware that restrictions were placed on trial counsel as to what information could and could not be shared with the client, Mr. Stuckey. Appellate counsel is willing to abide by any restrictions this Court finds are reasonable and necessary during the review of the trial files in this case.

Respectfully submitted,

/s/ Tracie Dominique Palmer  
DAVID S. STEINGOLD (P 29752)  
TRACIE DOMINIQUE PALMER (P 53555)

Date: 9 January 2006

**CERTIFICATE OF SERVICE**

Counsel Tracie Dominique Palmer certifies that the above Motion and Brief in Support of Motion have been filed through the CM/ECF filing system, which will result in said documents being served electronically upon: J. MICHAEL BUCKLEY, AUSA.

/s/ Tracie Dominique Palmer  
TRACIE DOMINIQUE PALMER (P 53555)